

Remarks/Arguments

The present amendment is made in response to the Office Action dated July 14, 2005, and identified as Paper No. 20050708. Claims 4, 6-8, 12-14, and 18-20 are currently pending.

In the Action, the Examiner rejected claims 1-16 and 18-24 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 1-3, 5-6, 8-9, 12, and 15-16 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2003/0061064 to Elliot (“*Elliot*”).

With regard to the rejection under section 101, Applicant respectfully disagrees with the Examiner’s finding that the claims were previously directed toward non-statutory subject matter because they relate to abstract ideas that do not advance the “technological” arts. Indeed, Applicant has pointed out a multitude of patent claims, including claims specifically affirmed by the Federal Circuit which recite methods in the same manner here. These patents are not referred to in an attempt to question the validity of the claims, but as an example of how valid claims are constructed within the scope of 35 U.S.C. § 101. Nevertheless, Applicant has amended the claims to more “significantly” recite the use of the data processing system in connection with the claimed invention, as suggested by the Examiner.

With regard to the substantive rejections, Applicant has amended the claims indicated as objected to but otherwise allowable to be in independent form and to include all of the limitations of the base claims. Accordingly, Applicant believes that all of the pending claims are in condition for allowance.

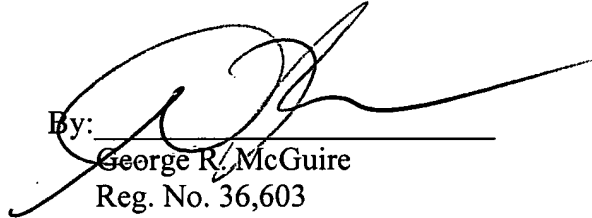
In view of the foregoing amendments, the Examiner’s reconsideration is requested and allowance of the present application is believed to be in order. If the Examiner believes a phone

Reply to Office Action dated July 14, 2005
Application Serial No. 09/726,277
October 13, 2005

conference with Applicant's attorney would expedite prosecution of this application, please
contact the undersigned at (315) 218-8515.

Respectfully submitted,

Dated: October 13, 2005

By: 
George R. McGuire
Reg. No. 36,603

BOND, SCHOENECK & KING, PLLC
One Lincoln Center
Syracuse, New York 13202-8530
(315)218-8515